

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

In accordance with the memorandum opinion entered this day, it is hereby **ORDERED** and **ADJUDGED** that the above referenced 28 U.S.C. § 2254 petition is **DISMISSED**. This action is stricken from the active docket of the court.

Charles A. Younger is advised that he may appeal this decision pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure by filing a notice of appeal with this court within 30 days of the date of entry of this order, or within such extended period as the court may grant pursuant to Rule 4(a)(5).

The clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the petitioner and counsel for the respondent.

ENTER: This 7th day of February, 2006.

Senior United States District Judge